THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.31174 of 1998

ORAL ORDER:

This writ petition is filed questioning the order passed by the Labour Court, Visakhapatnam in M.P.No.8 of 1993 dated 27.11.1997.

Petitioner is management and first respondent is workman. It appears, when the services of the first respondent was sought to be terminated on completion of age of 55 years stating that he had attained the age of superannuation, the same was challenged before the second respondent-Labour Court in I.D.No.4 of 1989. The Labour Court, after a detailed consideration of the entire evidence placed before it, and after hearing the arguments of the learned counsel on either side, answered the issue in favour of workman directing the petitioner-management to pay full back wages, pensionary benefits, if any, to the workman from the date of his removal from service till the date of attaining the age of superannuation (i.e. 58 years) at the rate of Rs.750/- per month. The award was passed on 10.3.1991 and it has attained finality. When the said award was not implemented, the respondent-workman filed the present M.P.No.8 of 1993 seeking for payment of Rs.48,250-15 ps. along with interest. Aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioner has again racked up the same issue of age of superannuation of the respondent-workman, which attained finality in the award passed by the Labour Court in I.D.No.4 of 1989 dated 10.3.1991. The learned counsel further states that the Labour Court has no jurisdiction to entertain the petition under Section 33(c)(2) of the Industrial Disputes Act and the only course left open to the workman is to seek reference under Section 10 of the I.D. Act.

I am of the opinion that the grounds raised by the petitioner are misconceived in the teeth of the award passed in I.D.No.4 of 1989 dated 10.3.1991. The petitioner-management is obligated to pay the amount as awarded by the Labour Court. Therefore, the impugned order passed by the Labour Court does not call for any interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 22.8.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.31174 of 1998

22.8.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.31174 of 1998

Date: 22nd August, 2007

Between:

M/s Mandapeta Handloom Weavers
Cooperative Production and Sales Society Ltd.,
rep. by its President.

.. Petitioner

And

Pitchuka Bheemaraju & another.

.. Respondents